



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FACT SHEET FOR H.B. 2514

~~restricted vehicle use; DUI; repeal~~
(NOW: restricted vehicle use; DUI; exemption)

Purpose

Allows any person licensed by the state Real Estate Department, who is awaiting trial for or has been convicted of driving under the influence (DUI) within five years of applying for a fingerprint clearance card, to transport clients and other employees as part of their employment.

Background

Arizona law requires a person to obtain a fingerprint clearance card to be employed in certain occupations, most often for positions in fields such as education, law enforcement or health and welfare, especially if there is contact with children, disabled persons or vulnerable adults. A fingerprint clearance card may also be required in some industries where public safety or trust is a concern, such as commercial truck driving or real estate.

Statute prohibits a person from transporting clients or other employees as part of their employment if the person is awaiting trial for or was convicted of a DUI offense within five years of applying for a fingerprint clearance card. Statute further requires that the person's fingerprint clearance card indicate this restriction on driving others but does not preclude such a person from driving a vehicle alone as part of their employment (A.R.S. § 41-1758.03, subsection D).

A.R.S. § 41-1758 (as referenced in the bill) defines *agency* as the state Supreme Court, Department of Economic Security, Department of Child Safety, Department of Education, Department of Health Services, Department of Juvenile Corrections, Department of Emergency and Military Affairs, Department of Transportation, Real Estate Department, Board of Appraisal, Board of Fingerprinting, Game and Fish Department or Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Exempts any person licensed by the state Real Estate Department, who is awaiting trial for or has been convicted of a DUI within five years of applying for a clearance card, from:
 - a) the prohibition on transporting clients and other employees as part of their employment, unless the person is employed by an *agency* (as listed in the *Background*); and
 - b) having their clearance card indicate a restriction on driving others.

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2. Becomes effective on the general effective date.

House Action

MAPS	2/04/16	DPA/SE	8-0-0-0
3 rd Read	2/18/16		57-0-3

Prepared by Senate Research

February 29, 2016

AV/lis